

2005 DRAFTING REQUEST

Bill

Received: **10/15/2004**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **Kurt Simatic**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Freese@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring ethanol in gasoline

Instructions:

Redraft 2003 AB 33

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 10/29/2004	wjackson 10/29/2004		_____			State
/1			pgreensl 10/29/2004	_____	lnorthro 10/29/2004 lemery 11/18/2004		State
/2	rkite 12/08/2004	wjackson 12/08/2004	pgreensl 12/08/2004	_____	sbasford 12/08/2004		State

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/3	rkite 12/29/2004 agary 12/29/2004	jdyer 12/29/2004	rschluet 12/29/2004	_____	mbarman 12/29/2004		State
/4	mglass 01/03/2005		chaugen 01/03/2005	_____	mbarman 01/03/2005	mbarman 01/04/2005	

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<END>

→ At Intro.

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4/3 jld

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13 12/29 jld
[Signature]

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rkite

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Received: **10/15/2004**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Suder (608) 267-0280**

By/Representing: **Anne**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Suder@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

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For: **Scott Suder (608) 267-0280**

By/Representing: **Anne**

This file may be shown to any legislator: **NO**

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May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Suder@legis.state.wi.us**

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No specific pre topic given

Topic:

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jacketing buttons/.pdf

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FE Sent For:

<END>



SCOTT SUDER
STATE REPRESENTATIVE

Thank Mark,

If anyone has any
questions they can feel
free to contact me. Also
they have permission to talk
to Rep. Freese/Anne and
Chet Cechel about the bill.
255-9337 Thanks, Anne

State Capitol, Room 21 North
P.O. Box 8953
Madison, WI 53708-8953
(608) 267-4280 Fax (608) 282-4669

Telephone Fax (608) 282-4664
Toll-Free (888) 534-4669
Rep. Suder's Home Phone

Minnesota Statutes 2004, Table of ChaptersTable of contents for Chapter 239** Items to include***239.791 Oxygenated gasoline.****Subdivision 1. Minimum ethanol content required. (a)**

Except as provided in subdivisions 10 to 14, a person responsible for the product shall ensure that all gasoline sold or offered for sale in Minnesota must contain at least 10.0 percent denatured ethanol by volume.

*** (b) For purposes of enforcing the minimum ethanol requirement of paragraph (a), a gasoline/ethanol blend will be construed to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent by volume and not more than 10.0 percent by volume of the blend as determined by an appropriate United States Environmental Protection Agency or American Society of Testing Materials standard method of analysis of alcohol/ether content in motor fuels.

Subd. 2. Repealed, 1993 c 250 s 3

Subd. 3. **Blending restriction.** When gasoline contains an oxygenate, a person responsible for the product shall not blend the product with ethanol or with any other oxygenate after it is transferred or otherwise removed from a refinery or terminal.

Subd. 4. Repealed, 1995 c 220 s 141

Subd. 5. Repealed, 1995 c 220 s 141

Subd. 6. Repealed, 1995 c 220 s 141

Subd. 7. **Oxygenate records; state audit.** The director shall audit the records of registered oxygenate blenders to ensure that each blender has met all requirements in this chapter. Specific information or data relating to sales figures or to processes or methods of production unique to the blender or that would tend to adversely affect the competitive position of the blender must be only for the confidential use of the director, unless otherwise specifically authorized by the registered blender.

Subd. 8. **Disclosure.** A refinery or terminal, shall provide, at the time gasoline is sold or transferred from the refinery or terminal, a bill of lading or shipping manifest to the person who receives the gasoline. For oxygenated gasoline, the bill of lading or shipping manifest must include the identity and the volume percentage or gallons of oxygenate included in the gasoline, and it must state: "This fuel contains an oxygenate. Do not blend this fuel with ethanol or with any other oxygenate." For nonoxygenated gasoline sold or transferred before October 1, 1997, the bill or manifest must state: "This fuel must not be sold at retail in a carbon monoxide control area." For nonoxygenated gasoline sold or transferred after September 30, 1997, the bill or manifest must state: "This fuel is not oxygenated. It must not be sold at retail in Minnesota." This subdivision does not apply to sales or transfers of gasoline between refineries, between terminals,

or between a refinery and a terminal.

Subd. 9. Repealed, 1995 c 220 s 141

Subd. 10. **Exemption for airport, marina, mooring facility, and resort.** A person responsible for the product may offer for sale, sell, or dispense at an airport, marina, mooring facility, or resort, for use in airplanes or for purposes listed under subdivision 12, paragraph (a), gasoline that is not oxygenated in accordance with subdivision 1 if the gasoline is unleaded premium grade as defined in section 239.751, subdivision 4.

Subd. 11. **Exemption for motor sports racing.** A person responsible for the product may offer for sale, sell, or dispense at a public or private racecourse, gasoline that is not oxygenated in accordance with subdivision 1 if the gasoline is intended to be used exclusively as a fuel for off-highway motor sports racing events.

Subd. 12. **Exemption for collector vehicle and off-road use.** (a) A person responsible for the product may offer for sale, sell, or dispense at a retail gasoline station for use in collector vehicles or vehicles eligible to be licensed as collector vehicles, off-road vehicles, motorcycles, boats, snowmobiles, or small engines, gasoline that is not oxygenated in accordance with subdivision 1 if the person meets the conditions in paragraphs (b) to (e). If the nonoxygenated gasoline is for use in a small engine, it must be dispensed into a can with a capacity of six or fewer gallons.

(b) The nonoxygenated gasoline must be unleaded premium grade as defined in section 239.751, subdivision 4.

(c) No more than one storage tank on the premises of the retail gasoline station may be used for storage of the nonoxygenated gasoline offered for sale, sold, or dispensed by the station.

(d) The pump stands must be posted with a permanent notice stating: "NONOXYGENATED GASOLINE. FOR USE IN COLLECTOR VEHICLES OR VEHICLES ELIGIBLE TO BE LICENSED AS COLLECTOR VEHICLES, OFF-ROAD VEHICLES, MOTORCYCLES, BOATS, SNOWMOBILES, OR SMALL ENGINES ONLY."

This notice must be posted at least two feet above the ground. A retail gasoline station that sells nonoxygenated premium gasoline as defined in section 239.791, subdivision 15, must register every two years with the director, or an entity appointed by the director, on forms approved by the director, the total amount of nonoxygenated premium gasoline sold annually.

Subd. 13. **Exemption for certain riparian landowners.**

(a) A person responsible for the product may offer for sale, sell, and deliver directly to a bulk fuel storage tank gasoline that is not oxygenated in accordance with subdivision 1 if the conditions in paragraphs (b) to (e) are met.

(b) The nonoxygenated gasoline must be unleaded premium grade as defined in section 239.751, subdivision 4.

(c) The bulk fuel storage tank must be stationary or permanent.

*239.751, subd. 4
premium -
means the
gasoline must
have an octane
rating of 91 or
greater*

*look at
285.37, stats*

(d) The bulk fuel storage tank must be under the control of an owner of littoral or riparian property and located on that littoral or riparian property.

(e) The nonoxygenated gasoline must be purchased for use in vehicles that would qualify for an exemption under subdivision 12, paragraph (a).

Subd. 14. **Exemption for aircraft operator.** A person responsible for the product may offer for sale, sell, and deliver directly to a bulk fuel storage tank gasoline that is not oxygenated in accordance with subdivision 1 for use in aircraft if the nonoxygenated gasoline is unleaded premium grade as defined in section 239.751, subdivision 4. ~~or low lead~~ *or 100 octane low lead.*

find definition

Subd. 15. **Exemption for certain blend pumps.** A person responsible for the product, who offers for sale, sells, or dispenses nonoxygenated premium gasoline under one or more of the exemptions in subdivisions 10 to 14, may sell, offer for sale, or dispense oxygenated gasoline that contains less than the minimum amount of ethanol required under subdivision 1 if all of the following conditions are met:

(1) the blended gasoline has an octane rating of 88 or greater;

(2) the gasoline is a blend of oxygenated gasoline meeting the requirements of subdivision 1 with nonoxygenated premium gasoline;

(3) the blended gasoline contains not more than ten percent nonoxygenated premium gasoline;

(4) the blending of oxygenated gasoline with nonoxygenated gasoline occurs within the gasoline dispenser; and

(5) the gasoline station at which the gasoline is sold, offered for sale, or delivered is equipped to store gasoline in not more than two storage tanks.

This subdivision applies only to those persons who meet the conditions in clauses (1) through (5) on the effective date of this act and have registered with the director within three months of the effective date of this act.

HIST: 1992 c 575 s 29; 1993 c 250 s 1; 1993 c 369 s 73,74; 1995 c 220 s 116; 1996 c 354 s 8-11; 1999 c 231 s 174-177; 2000 c 434 s 2; 2003 c 107 s 30; 2004 c 189 s 3,4

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2003 ASSEMBLY BILL 33

February 5, 2003 - Introduced by Representatives FREESE, GRONEMUS, LOEFFELHOLZ, HAHN, BIES, M. LEHMAN, OWENS, HINES, ALBERS, MUSSEY and PETROWSKI, cosponsored by Senators SCHULTZ, A. LASEE, RISSER and HARSDORF. Referred to Committee on Rural Affairs.

- 1 AN ACT *to renumber and amend* 168.04; and *to create* 168.04 (2), 168.04 (3)
2 and 168.04 (4) of the statutes; **relating to:** requiring ethanol in automotive
3 gasoline, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Commerce (Commerce) to set minimum specifications for gasoline, reformulated gasoline, and kerosene and authorizes Commerce to set minimum specifications for other types of fuel.

This bill requires Commerce to set, by rule, minimum specifications for automotive gasoline that require automotive gasoline, with certain exceptions, to contain a specified minimum percentage of ethanol produced in the United States. The amount of required ethanol is ~~gradually~~ increased from July 1, 2006, to July 1, 2008, by which date automotive gasoline generally must contain at least 10% ethanol. ^{9.2-}

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 168.04 of the statutes is renumbered 168.04 (1) and amended to
5 read:

ASSEMBLY BILL 33

SECTION 1

1 168.04 (1) The department by rule shall prescribe minimum product grade
2 specifications for gasoline, automotive gasoline, reformulated gasoline, as defined in
3 s. 285.37 (1), and kerosene and may prescribe product grade specifications for
4 automotive gasoline, gasoline-alcohol fuel blends, aviation gasoline, fuel oils, and
5 diesel fuels. ~~Automotive gasoline specifications shall include lead content. The rules~~
6 ~~shall, to the extent feasible, be in conformity with nationally recognized standards,~~
7 ~~specifications and classifications, such as those published by the American society~~
8 ~~for testing and materials, the society of automotive engineers and the U.S.~~
9 ~~environmental protection agency. The department may not promulgate or enforce~~
10 ~~a rule prohibiting additional information from placement on the dispensing device.~~

11 SECTION 2. 168.04 (2) of the statutes is created to read:

12 168.04 (2) (a) In this subsection:

13 1. "Domestic ethanol" means ethanol that is manufactured or produced in the
14 United States from grain or feedstock grown in the United States.

15 2. "Nonattainment area" has the meaning given in s. 285.01 (30).

16 (b) Except as provided in pars. (c) and (d), the rule promulgated by the
17 department under sub. (1) to set standards for automotive gasoline shall require
18 automotive gasoline to meet the following minimum ethanol fuel blend
19 requirements:

20 ~~1. Beginning on July 1, 2004, automotive gasoline shall contain at least 3%~~
21 ~~domestic ethanol.~~

22 2. Beginning on July 1, 2006, automotive gasoline shall contain at least ~~8%~~
23 domestic ethanol. *Repealed 2-10%*

24 ~~3. Beginning on July 1, 2008, automotive gasoline shall contain at least 10%~~
25 ~~domestic ethanol.~~

ASSEMBLY BILL 33

(c) The standards established under par. (b) do not apply to automotive gasoline sold or used in a nonattainment area for ozone.

(d) The standards established under par. (b) do not apply to automotive gasoline sold as fuel for tractors, farm machinery, aircraft, small engines, boat motors, motorcycles, and antique motor vehicles specified by the department, by rule. In determining which tractors, farm machinery, aircraft, small engines, boat motors, motorcycles, and antique motor vehicles to specify, the department shall consider whether the use of an ethanol-gasoline fuel blend will cause engine damage to or significantly reduce the efficiency of the tractor, farm machinery, aircraft, small engine, boat motor, motorcycle, or antique motor vehicle.

SECTION 3. 168.04 (3) of the statutes is created to read:

168.04 (3) Except as otherwise provided in this section, rules promulgated under this section shall be in conformity with nationally recognized standards, specifications, and classifications, such as those published by the American Society for Testing and Materials, the Society of Automotive Engineers, and the U.S. Environmental Protection Agency. The department may not promulgate or enforce a rule prohibiting the placement of additional information on the dispensing device.

SECTION 4. 168.04 (4) of the statutes is created to read:

168.04 (4) A person who sells or dispenses automotive gasoline that violates any rule promulgated under sub. (1) or (2) shall forfeit not less than \$10 nor more than \$100. Each day on which a violation occurs is a separate violation.

(END)

10-26-04

Per Chet Gerlach - 255-9337

Changes to AB33 in addition to instructions -
Take out par. (c) on pg. 3, lines 1+2

Instead of promulgating exceptions
as in par. (d), draft exceptions as
in Minnesota law

Called Ann in Suder's office -
told me to proceed re: Gerlach's
instructions

Needs draft for Nov. 17 meeting -
would like to have a copy before the
meeting

Wanted 11-12-04

2003 - 2004 LEGISLATURE

LRB-11281

RJM:cmh:eph

054011
RNK:Wlj:

2005
2003 ASSEMBLY BILL 33

D-Note

February 5, 2003 - Introduced by Representatives FREESE, GRONEMUS, LOEFFELHOLZ, HAHN, BIES, M. LEHMAN, OWENS, HINES, ALBERS, MUSSER and PETROWSKI, cosponsored by Senators SCHULTZ, A. LASEE, RISSER and HARSDOFF. Referred to Committee on Rural Affairs.

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3 gasoline, granting rule-making authority, and providing a penalty. ^{requirements}

Analysis by the Legislative Reference Bureau

Current law requires the Department of Commerce (Commerce) to set minimum specifications for gasoline, reformulated gasoline, and kerosene and authorizes Commerce to set minimum specifications for other types of fuel.

^{insert analysis} This bill requires Commerce to set, by rule, minimum specifications for automotive gasoline that require automotive gasoline, with certain exceptions, to contain a specified minimum percentage of ethanol produced in the United States. The amount of required ethanol is gradually increased from July 1, 2004, to July 1, 2008, by which date automotive gasoline generally must contain at least 10% ethanol.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 **SECTION 1.** 168.04 of the statutes is renumbered 168.04 (1) and amended to
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 7 ~~specifications and classifications, such as those published by the American society~~
 8 ~~for testing and materials, the society of automotive engineers and the U.S.~~
 9 ~~environmental protection agency. The department may not promulgate or enforce~~
 10 ~~a rule prohibiting additional information from placement on the dispensing device.~~

11 SECTION 2. 168.04 ^(2m) of the statutes is created to read:

12 168.04 ^(2m) (a) In this subsection:

13 ²⁰ "Domestic ethanol" means ethanol that is manufactured or produced in the
 14 United States from grain or feedstock grown in the United States.

15 ³⁰ "Nonattainment area" has the meaning given in s. 285.01 (30). ✓

16 (b) Except as provided in ^{para} (c) and (d), the rule promulgated by the
 17 department under sub. (1) to set standards for automotive gasoline shall require
 18 ^{that beginning on July 1, 2006,} automotive gasoline to meet the following minimum ethanol fuel blend
 19 requirements:

20 1. Beginning on July 1, 2004, automotive gasoline shall contain at least 3%
 21 domestic ethanol. ^(sp)

22 ^(sp) 2. Beginning on July 1, 2006, automotive gasoline shall contain at least 6%
 23 ^{not less than 90% nor more than 10%} domestic ethanol.

24 3. Beginning on July 1, 2008, automotive gasoline shall contain at least 10%
 25 domestic ethanol.

¶ 40 "premium grade ~~unleaded~~ gasoline" means
 automotive gasoline that is unleaded and that
 has an octane rating of at least 91

ASSEMBLY BILL 33

1 (c) The standards established under par. (b) do not apply to automotive gasoline
2 sold or used in a nonattainment area for ozone.

3 (d) (cc) The standards established under par. (b) do not apply to automotive
4 gasoline sold as fuel for tractors, farm machinery, aircraft, small engines, boat
5 motors, motorcycles, and antique motor vehicles specified by the department, by
6 rule. In determining which tractors, farm machinery, aircraft, small engines, boat
7 motors, motorcycles, and antique motor vehicles to specify, the department shall
8 consider whether the use of an ethanol-gasoline fuel blend will cause engine damage
9 to or significantly reduce the efficiency of the tractor, farm machinery, aircraft, small
10 engine, boat motor, motorcycle, or antique motor vehicle.

11 SECTION 3. 168.04 (3) of the statutes is created to read:

12 168.04 (3) Except as otherwise provided in this section, rules promulgated
13 under this section shall be in conformity with nationally recognized standards,
14 specifications, and classifications, such as those published by the American Society
15 for Testing and Materials, the Society of Automotive Engineers, and the U.S.
16 Environmental Protection Agency. The department may not promulgate or enforce
17 a rule prohibiting the placement of additional information on the dispensing device.

18 SECTION 4. 168.04 (4) of the statutes is created to read:

19 168.04 (4) A person who sells or dispenses automotive gasoline that violates
20 any rule promulgated under sub. (1) ^{or (2m)} (2) shall forfeit not less than \$10 nor more
21 than \$100. Each day on which a violation occurs is a separate violation.

22 (END)

any of the following ✓
Insert 3-10 ✓

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0540/lins.
RNK:.....

INSERT ANALYSIS

SR This bill provides that the minimum specifications for automotive gasoline must require that, beginning on July 1, 2006, automotive gasoline contain not less than 9.2% nor more than 10% ethanol produced in the United States. Under the bill, certain automotive gasoline is exempt from the minimum specifications, including automotive gasoline that meets particular octane requirements and that is sold as fuel at airports or marinas and automotive gasoline that is sold at racetracks for use at motor sports racing events held at a racetrack.

INSERT 2-12

1. "All-terrain vehicle" has the meaning given in 340.01 (2g).^{S.}

INSERT 3-10

1. Premium grade gasoline^{that is} sold as fuel at an airport, marina, mooring area, or resort, for use in an airplane, a collector vehicle, an all-terrain vehicle, a motorcycle, a boat, a snowmobile, or a small engine.

2. Automotive gasoline that is sold at a racetrack if the gasoline is intended to be used exclusively as a fuel for motor sports racing events at a racetrack.

3. Premium grade gasoline that is sold at a retail gasoline station for use in a collector vehicle, an all-terrain vehicle, a motorcycle, a boat, a snowmobile, or a small engine if no more than one storage tank on the premises of the retail gasoline station is used for storage of the^{premium grade} gasoline and the pump from which the^{premium grade} gasoline is dispensed is posted with a permanent notice stating that the pump dispenses nonoxygenated gasoline for use^{only} in collector vehicles^{only}, all-terrain vehicles^{only}, motorcycles^{only}, boats^{only}, snowmobiles^{only}, and small engines^{only}.

4. Premium grade gasoline, or automotive gasoline that is 100 octane low lead, that is sold directly for storage in a bulk fuel storage tank if the gasoline is intended for use in aircraft.

(END INSERT)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0540/1dn

RNK:.....

As you requested, this redraft of 2003 Assembly Bill 33 incorporates certain exemptions that are contained in Minnesota law relating to ethanol content in automotive gasoline. Please note that certain portions of AB 33 are not included in this draft because they were enacted under 2003 Act 45. Please also note the following:

1. The exemptions in Minnesota law appear to relate to the standards established for all types of gasoline sold in Minnesota, not just automotive gasoline. Assembly Bill 33, however, concerns ethanol requirements in automotive gasoline only. Consequently, I question whether the exemption in this draft that is based on Minnesota law and that relates to automotive gasoline used in airplanes is relevant. Under s. 168.04 (1), stats., the Department of Commerce prescribes minimum specifications for aviation gasoline. I assume that airplanes do not generally use automobile fuel and that, therefore, the exemption in this draft relating to automotive gasoline used in airplanes is unnecessary. Do you concur? If so, this portion of the draft will need to be redrafted.

2. The draft uses the terms "resort" and "collector vehicle" (see proposed s. 168.04 (2) (c) 1.) but those terms are not defined. Do you want to include definitions for these terms?

3. As requested, the exemption for gasoline sold to a bulk fuel storage tank refers to "100 octane low lead" but I question whether this term should be further defined. Is the meaning of "low lead" clear? Does "100 octane" mean that the gasoline must have an octane rating of no less than 100?

4. Consistent with Minnesota law, certain of the exemptions in the draft refer to airplanes and others refer to aircraft. If there is no distinction intended to be made between these two terms, the draft should be redrafted so that these terms are used consistently.

5. 2003 Act 45 required the Department of Commerce to promulgate rules prohibiting certain gasoline from having more than 0.5% of methyl tertiary-butyl ether. I have drafted the penalty provision created in this draft so that it also applies to a violation of these rules. Is this consistent with your intent?

If you have any questions concerning this draft, please feel free to contact me.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0540/1dn
RNK:wlj:pg

October 29, 2004

As you requested, this redraft of 2003 Assembly Bill 33 incorporates certain exemptions that are contained in Minnesota law relating to ethanol content in automotive gasoline. Please note that certain Wisconsin portions of AB-33 are not included in this draft because they were enacted under 2003 Act 45. Please also note the following:

1. The exemptions in Minnesota law appear to relate to the standards established for all types of gasoline sold in Minnesota, not just automotive gasoline. Assembly Bill 33, however, concerns ethanol requirements only in automotive gasoline. Consequently, I question whether the exemption in this draft that is based on Minnesota law and that relates to automotive gasoline used in airplanes is relevant. Under s. 168.04 (1), stats., the Department of Commerce prescribes minimum specifications for aviation gasoline. I assume that airplanes do not generally use automobile gasoline and that, therefore, the exemption in this draft relating to automotive gasoline used in airplanes is unnecessary. Do you concur? If so, this portion of the draft will need to be redrafted.
2. The draft uses the terms "resort" and "collector vehicle" (see proposed s. 168.04 (2) (c) 1.) but those terms are not defined. Do you want to include definitions for these terms?
3. As requested, the exemption for gasoline sold to a bulk fuel storage tank refers to "100 octane low lead," but I question whether this term should be further defined. Is the meaning of "low lead," clear? Does "100 octane" mean that the gasoline must have an octane rating of no less than 100?
4. Consistent with Minnesota law, certain of the exemptions in the draft refer to airplanes and others refer to aircraft. If there is no distinction intended to be made between these two terms, the draft should be redrafted so that these terms are used consistently.
5. 2003 Act Wisconsin 45 required the Department of Commerce to promulgate rules prohibiting certain gasoline from having more than 0.5 percent of methyl tertiary-butyl ether. I have drafted the penalty provision created in this draft so that it also applies to a violation of these rules. Is this consistent with your intent?

If you have any questions concerning this draft, please feel free to contact me.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

-----Original Message-----

From: Simatic, Kurt
Sent: Wednesday, December 01, 2004 2:58 PM
To: Kite, Robin
Cc: 'cg@chetgerlach.com'
Subject: 10% ethanol draft

Robin:

Have you made any progress on the definitions for "resort" and "collector vehicle" for LRB 0540/1?

Thanks.

Kurt Simatic

Legislative Assistant

Speaker Pro Tempore Stephen Freese

115 West State Capitol

(608) 266-7502

(888) 534-0051

kurt.simatic@legis.state.wi.us

Kite, Robin

From: Simatic, Kurt
Sent: Tuesday, December 07, 2004 11:36 AM
To: Kite, Robin
Subject: FW: 10% ethanol draft

-----Original Message-----

From: Kite, Robin
Sent: Friday, December 03, 2004 9:35 AM
To: Simatic, Kurt
Subject: RE: 10% ethanol draft

I apologize for any misunderstanding.

Here is my suggestion for a definition of "resort":

"Resort" means either of the following:

1. A hotel, as defined in s. 254.61 (3).
2. A tourist rooming house, as defined in s. 254.61 (6).

Here is my suggestion for a definition of "collector vehicle":

"Collector vehicle" means either of the following:

1. A vehicle registered as an antique vehicle under s. 341.265 (1).
2. A special interest vehicle, as defined in s. 341.266 (1) (c).

Let me know if you want to discuss these proposed definitions. When I hear from you, I will proceed with the redraft.

Robin

-----Original Message-----

From: Simatic, Kurt
Sent: Thursday, December 02, 2004 12:47 PM
To: Kite, Robin
Subject: RE: 10% ethanol draft

I thought we had agreed that we would see what you were able to suggest in the way of definitions for "resort" and "collector vehicle", and when those were satisfactory, we would insert those definitions along with the changes we have here. It would prevent the need for unnecessary LRB drafts if we put all the changes together for a /2

-----Original Message-----

From: Kite, Robin
Sent: Thursday, December 02, 2004 8:17 AM
To: Simatic, Kurt
Subject: RE: 10% ethanol draft

Kurt,

I set this draft aside because it was my understanding that you had some additional changes that you wanted to make to the draft. I was waiting for those further instructions. If I misunderstood you, please let me know.

Thanks.

Robin

11-19-04

Per Kurt in Freese's office + Chet Gerlach -
Redraft instructions -

define collector vehicle -

i.e. - use definition from Minnesota law if
there is one or use definition in
WI law re: vehicles that are entitled
to use collector plates

define resort -

wants to make clear that resorts that
have a pump for boats, ATV's +
snowmobiles does not have to have pump
w/ ethanol -

Kurt will be getting back to me
with some additional changes

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0540/1dn
RNK:wlj:pg

October 29, 2004

*For
conversation
w/ Kirt in
Freeze's office -*

find definition

*Chet
Gerlach*

As you requested, this redraft of 2003 Assembly Bill 33 incorporates certain exemptions that are contained in Minnesota law relating to ethanol content in automotive gasoline. Please note that certain Wisconsin portions of AB-33 are not included in this draft because they were enacted under 2003 Act 45. Please also note the following:

1. The exemptions in Minnesota law appear to relate to the standards established for all types of gasoline sold in Minnesota, not just automotive gasoline. Assembly Bill 33, however, concerns ethanol requirements only in automotive gasoline. Consequently, I question whether the exemption in this draft that is based on Minnesota law and that relates to automotive gasoline used in airplanes is relevant. Under s. 168.04 (1), stats., the Department of Commerce prescribes minimum specifications for aviation gasoline. I assume that airplanes do not generally use automobile gasoline and that, therefore, the exemption in this draft relating to automotive gasoline used in airplanes is unnecessary. Do you concur? If so, this portion of the draft will need to be redrafted.
2. The draft uses the terms "resort" and "collector vehicle" (see proposed s. 168.04 (2) (c) 1.) but those terms are not defined. Do you want to include definitions for these terms? *
3. As requested, the exemption for gasoline sold to a bulk fuel storage tank refers to "100 octane low lead," but I question whether this term should be further defined. Is the meaning of "low lead," clear? Does "100 octane" mean that the gasoline must have an octane rating of no less than 100?
4. Consistent with Minnesota law, certain of the exemptions in the draft refer to airplanes and others refer to aircraft. If there is no distinction intended to be made between these two terms, the draft should be redrafted so that these terms are used consistently.
5. 2003 Act Wisconsin 45 required the Department of Commerce to promulgate rules prohibiting certain gasoline from having more than 0.5 percent of methyl tertiary-butyl ether. I have drafted the penalty provision created in this draft so that it also applies to a violation of these rules. Is this consistent with your intent?

If you have any questions concerning this draft, please feel free to contact me.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

Per tel conf. w/ Kurt in Freed's office & Chet Gerlach
12-7-04

Resort -

means any lodging ~~in~~ transient
~~don't include exceptions~~ place where
sleeping accom. are offered for pay
to tourists or transients

Use "special interest vehicle" definition

341.266 (1)(c)

recreate definition of "collector vehicle"
but use same def. as 341.266 (1)(c)

needs before 12/15 -

is sending add'l instructions

12-8-04

per Luke in Suder's office -

go ahead & redraft per Kurt's instructions

Kite, Robin

From: Simatic, Kurt
Sent: Tuesday, December 07, 2004 2:05 PM
To: Kite, Robin
Subject: changes to LRB 0540/1

Robin,

Here are the changes for the 10% ethanol bill:

- 1) Please insert the definitions for "resort" and "collector vehicle" as we discussed on the phone today
- 2) We would like the term "aircraft" used consistently throughout the draft.

That appears to be all that we have.

Kurt Simatic

Legislative Assistant

Speaker Pro Tempore Stephen Freese

115 West State Capitol

(608) 266-7502

(888) 534-0051

kurt.simatic@legis.state.wi.us



Wanted 12-13-04
State of Wisconsin
2005 - 2006 LEGISLATURE

RLB-0540/3

RNK:wlj:pg

D-Note
2005 BILL

- Regen
1 AN ACT *to create* 168.04 (2m) and 168.04 (4) of the statutes; **relating to:** ethanol
2 requirements in automotive gasoline, granting rule-making authority, and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Commerce (Commerce) to set minimum specifications for gasoline, automotive gasoline, gasoline-alcohol fuel blends, reformulated gasoline, and kerosene and authorizes Commerce to set minimum specifications for other types of fuel.

This bill provides that the minimum specifications for automotive gasoline must require, beginning on July 1, 2006, that automotive gasoline contain not less than 9.2 percent nor more than 10 percent ethanol produced in the United States. Under the bill certain automotive gasoline is exempt from the minimum specifications, including automotive gasoline that meets particular octane requirements and that is sold as fuel at airports or marinas and automotive gasoline that is sold at racetracks for use at motor sports racing events held at a racetrack.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

1 SECTION 1. 168.04 (2m) of the statutes is created to read:

2 168.04 (2m) (a) In this subsection:

3 1. "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

4 ~~2.~~ ³ "Domestic ethanol" means ethanol that is manufactured or produced in the
5 United States from grain or feedstock grown in the United States.

6 ~~3.~~ "Nonattainment area" has the meaning given in s. 285.01 (30).

7 4. "Premium grade gasoline" means automotive gasoline that is unleaded and
8 that has an octane rating of at least 91.

9 (b) Except as provided in par. (c), the rule promulgated by the department
10 under sub. (1) to set standards for automotive gasoline shall require that beginning
11 on July 1, 2006, automotive gasoline contain not less than 9.2 percent nor more than
12 10 percent domestic ethanol.

13 (c) The standards established under par. (b) do not apply to any of the following:

14 1. Premium grade gasoline that is sold as fuel at an airport, marina, mooring
15 area, or resort, for use in an airplane, a collector vehicle, an all-terrain vehicle, a
16 motorcycle, a boat, a snowmobile, or a small engine.

17 2. Automotive gasoline that is sold at a racetrack if the gasoline is intended to
18 be used exclusively as a fuel for motor sports racing events at a racetrack.

19 3. Premium grade gasoline that is sold at a retail gasoline station for use in a
20 collector vehicle, an all-terrain vehicle, a motorcycle, a boat, a snowmobile, or a small
21 engine if no more than one storage tank on the premises of the retail gasoline station
22 is used for storage of the premium grade gasoline and the pump from which the
23 premium grade gasoline is dispensed is posted with a permanent notice stating that
24 the pump dispenses nonoxygenated gasoline for use only in collector vehicles,
25 all-terrain vehicles, motorcycles, boats, snowmobiles, and small engines.

BILL

4. Premium grade gasoline, or automotive gasoline that is 100 octane low lead,
that is sold directly for storage in a bulk fuel storage tank if the gasoline is intended
for use in aircraft *in an airplane*

4 **SECTION 2.** 168.04 (4) of the statutes is created to read:

168.04 (4) A person who sells or dispenses automotive gasoline that violates
any rule promulgated under sub. (1), (2), or (2m) shall forfeit not less than \$10 nor
more than \$100. Each day on which a violation occurs is a separate violation.

8 (END)

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0540/2ins.
RNK:.....

INSERT 2-3

2. "Collector vehicle" means a motor vehicle of any age that has not been altered or modified from original manufacturers' specifications and, because of its historic interest, is being preserved by hobbyists.

INSERT 2-8

5. "Resort" means any lodging place where sleeping accommodations are offered for pay to tourists or transients.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0540/2dn
RNK:wlj:pg

December 8, 2004

As instructed, this redraft incorporates changes requested by Kurt in Rep. Freese's office. Please also note that in this redraft I deleted the definition of "nonattainment area" because the draft no longer contains that term.

If you have any questions concerning this redraft, please feel free to contact me.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

Kite, Robin

From: Simatic, Kurt
Sent: Wednesday, December 29, 2004 10:37 AM
To: Kite, Robin
Subject: ethanol bill

we need a /3 for LRB 0540

- first, our office will be the primary author for LRB 0540. Please send all drafts and amendments to the Rep. Freese account.
- secondly, in my last request, I had asked that the term "aircraft" be used consistently throughout the draft. However, you applied the term "airplane" instead. This needs to be corrected.
- finally, we need to delete the definition of "domestic ethanol" and the requirement that the ethanol be produced in the in the U.S. (page 2, line 16)

We need these corrections made as soon as possible. Thank you.

Kurt Simatic

Legislative Assistant

Speaker Pro Tempore Stephen Freese

115 West State Capitol

(608) 266-7502

(888) 534-0051

kurt.simatic@legis.state.wi.us



Wanted 12/30/04
State of Wisconsin
2005 - 2006 LEGISLATURE

EmR
3
LRB-0540/~~2~~
RNK:wlj:pg

2005 BILL

Regen

- 1 **AN ACT** *to create* 168.04 (2m) and 168.04 (4) of the statutes; **relating to:** ethanol
2 requirements in automotive gasoline, granting rule-making authority, and
3 providing a penalty. ✓
-

Analysis by the Legislative Reference Bureau

Current law requires the Department of Commerce (Commerce) to set minimum specifications for gasoline, automotive gasoline, gasoline-alcohol fuel blends, reformulated gasoline, and kerosene and authorizes Commerce to set minimum specifications for other types of fuel.

(C) This bill provides that the minimum specifications for automotive gasoline must require, beginning on July 1, 2006, that automotive gasoline contain not less than 9.2 percent nor more than 10 percent ethanol *produced in the United States*. Under the bill certain automotive gasoline is exempt from the minimum specifications, including automotive gasoline that meets particular octane requirements and that is sold as fuel at airports or marinas and automotive gasoline that is sold at racetracks for use at motor sports racing events held at a racetrack.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

1 **SECTION 1.** 168.04 (2m) of the statutes is created to read:

2 168.04 (2m) (a) In this subsection:

3 1. "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

4 2. "Collector vehicle" means a motor vehicle of any age that has not been altered
5 or modified from original manufacturers' specifications and, because of its historic
6 interest, is being preserved by hobbyists.

7 3. "Domestic ethanol" means ethanol that is manufactured or produced in the
8 United States from grain or feedstock grown in the United States.

9 4. 3. 4. "Premium grade gasoline" means automotive gasoline that is unleaded and
10 that has an octane rating of at least 91.

11 4. 4. 5. "Resort" means any lodging place where sleeping accommodations are
12 offered for pay to tourists or transients.

13 (b) Except as provided in par. (c), the rule promulgated by the department
14 under sub. (1) to set standards for automotive gasoline shall require that beginning
15 on July 1, 2006, automotive gasoline contain not less than 9.2 percent nor more than
16 10 percent domestic ethanol.

17 (c) The standards established under par. (b) do not apply to any of the following:

18 1. Premium grade gasoline that is sold as fuel at an airport, marina, mooring
19 area, or resort, for use in an airplane, a collector vehicle, an all-terrain vehicle, a
20 motorcycle, a boat, a snowmobile, or a small engine.

21 2. Automotive gasoline that is sold at a racetrack if the gasoline is intended to
22 be used exclusively as a fuel for motor sports racing events at a racetrack.

23 3. Premium grade gasoline that is sold at a retail gasoline station for use in a
24 collector vehicle, an all-terrain vehicle, a motorcycle, a boat, a snowmobile, or a small
25 engine if no more than one storage tank on the premises of the retail gasoline station

BILL

1 is used for storage of the premium grade gasoline and the pump from which the
2 premium grade gasoline is dispensed is posted with a permanent notice stating that
3 the pump dispenses nonoxygenated gasoline for use only in collector vehicles,
4 all-terrain vehicles, motorcycles, boats, snowmobiles, and small engines.

5 4. Premium grade gasoline, or automotive gasoline that is 100 octane low lead,
6 that is sold directly for storage in a bulk fuel storage tank if the gasoline is intended
7 for use in an airplane. *aircraft*

8 **SECTION 2.** 168.04 (4) of the statutes is created to read:

9 168.04 (4) A person who sells or dispenses automotive gasoline that violates
10 any rule promulgated under sub. (1), (2), or (2m) shall forfeit not less than \$10 nor
11 more than \$100. Each day on which a violation occurs is a separate violation.

12 (END)

2003 SENATE BILL 117

April 16, 2003 - Introduced by Senators SCHULTZ, COWLES, WELCH, WIRCH, DARLING, REYNOLDS and ZIEN, cosponsored by Representatives FREESE, GRONEMUS, GARD, M. LEHMAN, AINSWORTH, J. WOOD, SUDER, OTT, MUSSER, TOWNSEND, HINES, MILLER, OWENS, GIELOW, BIES, MONTGOMERY, HAHN, ALBERS, GUNDERSON, VAN ROY, WASSERMAN, ZIEGELBAUER, MCCORMICK, VRAKAS and NASS. Referred to Committee on Environment and Natural Resources.

1 AN ACT *to renumber and amend* 168.04; and *to create* 168.04 (2) and 168.04
2 (3) of the statutes; **relating to:** prohibiting methyl tertiary-butyl ether in
3 automotive gasoline, providing an exemption from emergency rule procedures,
4 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Commerce (Commerce) to set minimum specifications for gasoline, reformulated gasoline, and kerosene and authorizes Commerce to set minimum specifications for other types of fuel.

This bill requires Commerce to set, by rule, minimum specifications for automotive gasoline that prohibit automotive gasoline from containing more than 0.5%, by volume, of methyl tertiary-butyl ether (MTBE). Similarly, the bill requires Commerce, by rule, to prohibit any person from offering for sale, distributing, blending, or manufacturing MTBE as an automotive gasoline additive (except that persons may offer for sale, distribute, blend, or manufacture automotive gasoline containing up to 0.5%, by volume, of MTBE). These prohibitions first apply on August 1, 2004. MTBE is a chemical compound that is added to gasoline, often to boost the gasoline's octane or to meet clean fuel oxygen requirements.

SENATE BILL 117

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 168.04 of the statutes is renumbered 168.04 (1) and amended to
2 read:

3 168.04 (1) The department by rule shall prescribe minimum product grade
4 specifications for gasoline, automotive gasoline, automotive gasoline additives, as
5 described in sub. (2) (b). reformulated gasoline, as defined in s. 285.37 (1), and
6 kerosene and may prescribe product grade specifications for ~~automotive gasoline,~~
7 gasoline-alcohol fuel blends, aviation gasoline, fuel oils, and diesel fuels.
8 ~~Automotive gasoline specifications shall include lead content. The rules shall, to the~~
9 ~~extent feasible, be in conformity with nationally recognized standards, specifications~~
10 ~~and classifications, such as those published by the American society for testing and~~
11 ~~materials, the society of automotive engineers and the U.S. environmental~~
12 ~~protection agency. The department may not promulgate or enforce a rule prohibiting~~
13 ~~additional information from placement on the dispensing device.~~

14 **SECTION 2.** 168.04 (2) of the statutes is created to read:

15 168.04 (2) (a) The rule promulgated by the department under sub. (1) to set
16 standards for automotive gasoline shall prohibit automotive gasoline, beginning on
17 August 1, 2004, from containing more than 0.5%, by volume, of methyl tertiary-butyl
18 ether.

19 (b) The rule promulgated by the department under sub. (1) to set standards for
20 automotive gasoline additives shall prohibit any person from offering for sale,
21 distributing, blending, or manufacturing methyl tertiary-butyl ether as an

SENATE BILL 117

1 automotive gasoline additive in this state, beginning on August 1, 2004. It is not a
2 violation of such a rule for a person to offer for sale, distribute, blend, or manufacture
3 automotive gasoline containing not more than 0.5%, by volume, of methyl
4 tertiary-butyl ether.

5 **SECTION 3.** 168.04 (3) of the statutes is created to read:

6 168.04 (3) Except as otherwise provided in this section, rules promulgated
7 under this section shall be in conformity with nationally recognized standards,
8 specifications, and classifications, such as those published by the American Society
9 for Testing and Materials, the Society of Automotive Engineers, and the U.S.
10 Environmental Protection Agency. The department may not promulgate or enforce
11 a rule prohibiting the placement of additional information on the dispensing device.

12 **SECTION 4. Nonstatutory provisions.**

13 (1) EMERGENCY RULE. Using the procedure under section 227.24 of the statutes,
14 the department of commerce shall promulgate the rule described under section
15 168.04 (2) of the statutes, as created by this act, for the period before the permanent
16 rule becomes effective, but not to exceed the period authorized under section 227.24
17 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)
18 of the statutes, the department is not required to provide evidence that promulgating
19 a rule under this subsection as an emergency rule is necessary for the preservation
20 of the public peace, health, safety, or welfare and is not required to provide a finding
21 of emergency for the rule promulgated under this subsection.

22 (2) STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that
23 methyl tertiary-butyl ether may contaminate groundwater through various means,
24 including leaking fuel storage tanks and pipelines, refueling spills, automobile
25 accidents, and improper consumer disposal of gasoline. As a result of its odor and

SENATE BILL 117

SECTION 4

1 taste, methyl tertiary-butyl ether can make drinking water supplies undrinkable.
2 The purpose of section 168.04 (2) of the statutes, as created by this act, is to reduce
3 or eliminate the instances of methyl tertiary-butyl ether contaminating
4 groundwater.

5 (END)

2005 BILL

Men
9AMproviding an exemption
from emergency rule
procedures,

Regen

- 1 AN ACT *to create* 168.04 (2m) and 168.04 (4) of the statutes; **relating to:** ethanol
2 requirements in automotive gasoline, granting rule-making authority, and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Commerce (Commerce) to set minimum specifications for gasoline, automotive gasoline, gasoline-alcohol fuel blends, reformulated gasoline, and kerosene and authorizes Commerce to set minimum specifications for other types of fuel.

* This bill provides that the minimum specifications for automotive gasoline must require, beginning on July 1, 2006, that automotive gasoline contain not less than 9.2 percent nor more than 10 percent ethanol. Under the bill certain automotive gasoline is exempt from the minimum specifications, including automotive gasoline that meets particular octane requirements and that is sold as fuel at airports or marinas and automotive gasoline that is sold at racetracks for use at motor sports racing events held at a racetrack.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL**SECTION 1**

1 **SECTION 1.** 168.04 (2m) of the statutes is created to read:

2 168.04 **(2m)** (a) In this subsection:

3 1. "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

4 2. "Collector vehicle" means a motor vehicle of any age that has not been altered
5 or modified from original manufacturers' specifications and, because of its historic
6 interest, is being preserved by hobbyists.

7 3. "Premium grade gasoline" means automotive gasoline that is unleaded and
8 that has an octane rating of at least 91.

9 4. "Resort" means any lodging place where sleeping accommodations are
10 offered for pay to tourists or transients.

11 (b) Except as provided in par. (c), the rule promulgated by the department
12 under sub. (1) to set standards for automotive gasoline shall require that beginning
13 on July 1, 2006, automotive gasoline contain not less than 9.2 percent nor more than
14 10 percent ethanol.

15 (c) The standards established under par. (b) do not apply to any of the following:

16 1. Premium grade gasoline that is sold as fuel at an airport, marina, mooring
17 area, or resort, for use in aircraft, a collector vehicle, an all-terrain vehicle, a
18 motorcycle, a boat, a snowmobile, or a small engine.

19 2. Automotive gasoline that is sold at a racetrack if the gasoline is intended to
20 be used exclusively as a fuel for motor sports racing events at a racetrack.

21 3. Premium grade gasoline that is sold at a retail gasoline station for use in a
22 collector vehicle, an all-terrain vehicle, a motorcycle, a boat, a snowmobile, or a small
23 engine if no more than one storage tank on the premises of the retail gasoline station
24 is used for storage of the premium grade gasoline and the pump from which the
25 premium grade gasoline is dispensed is posted with a permanent notice stating that

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1 the pump dispenses nonoxygenated gasoline for use only in collector vehicles,
2 all-terrain vehicles, motorcycles, boats, snowmobiles, and small engines.

3 4. Premium grade gasoline, or automotive gasoline that is 100 octane low lead,
4 that is sold directly for storage in a bulk fuel storage tank if the gasoline is intended
5 for use in aircraft.

6 **SECTION 2.** 168.04 (4) of the statutes is created to read:

7 168.04 (4) A person who sells or dispenses automotive gasoline that violates
8 any rule promulgated under sub. (1), (2), or (2m) shall forfeit not less than \$10 nor
9 more than \$100. Each day on which a violation occurs is a separate violation.

10 (END)

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(b) Except as provided in par. (bn), the rule promulgated by the department under sub. (1) to set standards for automotive gasoline shall require that beginning on the 90th day after the effective date of this paragraph [revisor inserts date], automotive gasoline contain not less than 9.2 percent nor more than 10 percent ethanol.

(bn) If the 90th day after the effective date of this paragraph [revisor inserts date], falls on or after July 2, 2006, the beginning date for the rule under par. (b) shall be July 1, 2006, or the effective date of this paragraph [revisor inserts date], whichever is later.

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SECTION 1. Nonstatutory provisions.

(1) EMERGENCY RULE. Using the procedure under section 227.24 of the statutes, the department of commerce shall promulgate the rules described under section 168.04 (2m) of the statutes, as created by this act, for the period before the permanent rules becomes effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of commerce is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for the rules promulgated under this subsection.

Barman, Mike

From: Simatic, Kurt
Sent: Tuesday, January 04, 2005 2:27 PM
To: LRB.Legal
Subject: Draft review: LRB 05-0540/4 Topic: Requiring ethanol in gasoline

It has been requested by <Simatic, Kurt> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0540/4 Topic: Requiring ethanol in gasoline